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MAR 1 7 1958
JOHN T. FEY, Clerk

No. 765

IN THE

Supreme Court of the United States

OCTOBER TERM, 1957

No. 46,556

GEORGE G. EDDY,
Petitioner,

vs.

THE SUPREME COURT OF THE STATE OF MICHIGAN
Respondent

PETITIONER'S REPLY BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

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I.

A very short memorandum in reply to respondent's brief in answer to the petition is necessary.

II.

(a) Respondent calls to the court's attention that there was an issue of fact as to whether petitioner had consented to the search and seizure, on page 2 of his brief.

We call attention to the fact that there was subsequently a Mandamus proceeding in which that issue of fact was necessarily resolved in favor of petitioner.

(b) Respondent claims that we do not point out what witnesses were discovered in the search and seizures.

But petitioner points out (with record references) that the prosecution knew of only three witnesses prior to the search and seizure. See petition page 6.

Respondent's reference is of course that we do not show that our motion to strike if granted would merely have changed the result. But obviously the three witnesses known to the prosecution could not have made a *prima facie* case.

(c) Respondent claims that the motion to strike was not well taken because no motion to suppress was made in advance of trial.

We point out that it is well settled that no motion to suppress in advance of trial is necessary, when the grounds of the motion are first made known to defendant at the trial.

See *Gouled v. U. S.*, 255 U. S. 298; 65 Law Ed. 647; 41 Sup. Ct. 261.

(d) Despite the statement of the Solicitor General that Eddy was arrested October 10th "on this charge", there is nothing to show that the arrest on that date was in

this case at all. The record simply shows that an arrest was made on that date and Eddy claims that his interrogation touched only on Huron Eddy minute books and stock records, and nothing pertaining to Twin Skiff. And the warrent in this case was not issued for over two months later.

We ask that the Certiorari be allowed.

Respectfully submitted,

GEORGE G. EDDY *Pro. Se.*,
VALOIS E. CROSSLEY,
Of Counsel.

March 12, 1958.